

**HUMAN RIGHTS COMMISSION**  
Ord. of 8-20-98 (*Amended 12-15-05*)

**Article XLII.**

**Section 2-600. Policy**

It is the policy of the City of Northampton to uphold the human rights of all persons in Northampton and the free exercise and enjoyment of any and all rights and privileges secured by the Constitutions and Laws of the United States, the Commonwealth of Massachusetts and the City of Northampton. The City of Northampton prohibits discrimination in matters of housing, employment, education, contracts, purchasing, and public accommodations on the bases enumerated in Section 2-604(b). It is the policy of the City of Northampton to encourage mutual cooperation among City residents. Towards that end, the Human Rights Commission will function as a facilitator of alternative dispute resolution rather than as an adjudicatory function.

**Section 2-601. Establishment; Membership; Terms; Vacancy; Composition; Compensation; Meetings; Quorum; Removal**

- a. *Establishment:* There shall be in the City a commission known as the Northampton Human Rights Commission, hereinafter referred to as the Commission.
- b. *Membership and Terms:* The Commission shall be composed of nine (9) members, each to be known as Commissioner, each appointed by the Mayor subject to confirmation by the City Council. The Commissioners shall each serve a term of three (3) years, provided, however, that of the members first appointed to the Commission, three (3) shall be appointed for a term of one year, three (3) shall be appointed for a term of two years, and three (3) shall be appointed for a term of three years. The Mayor, with approval of the City Council, shall appoint each successor Commissioner to a term of three years.
- c. *Vacancy:* Any vacancy shall be filled for the unexpired term by appointment by the Mayor subject to confirmation by the City Council.
- d. *Composition:* At least seven (7) members of the Commission shall be residents of the City of Northampton and up to two (2) members may be non-residents of Northampton who have knowledge of the City of Northampton and/or human rights issues. The composition of the Commission shall, to the greatest extent possible, reflect upon the socioeconomic and racial diversity of the City.
- e. *Compensation:* The Commissioners shall serve without compensation.
- f. *Meetings:* The Commission shall meet between six (6) and eleven (11) times a year at regular intervals. There must be a quorum in order to conduct business at a meeting.

g. *Quorum:* Half plus one of the filled Commissioner positions shall constitute a quorum and a majority of the quorum present at a meeting shall be sufficient for any action taken by the Commission.

h. *Removal:* If any Commissioner misses three (3) meetings of the Commission without good cause during a calendar year, the Commissioners shall certify such absence to the Mayor. Upon receipt of such certification, the Mayor may replace said Commissioner. Good cause shall be determined on a case by case basis by the Commissioners.

## **Section 2-602. Election of Chairperson**

The members of the Commission shall annually elect a chairperson from among its members who shall not hold that office for more than three (3) consecutive terms. The Commission may elect other officers as it deems necessary.

## **Section 2-603. Functions of the Commission**

a. The Commission shall advocate for the human and civil rights of all residents of the City. The Commission shall enlist community-based groups and individuals in educational programs and campaigns to increase awareness of human rights issues, to eliminate discrimination, and to ensure that the human and civil rights of each individual are protected;

b. The Commission shall respond to complaints made by persons in the city who believe that their human or civil rights, as defined by existing local, state and federal law, have been violated in Northampton; Commission responses may include, but are not limited to, the following:

1. Refer complaints to appropriate agencies, entities, or individuals including the Massachusetts Commission Against Discrimination;
2. Provide appropriate advice and referral regarding legal rights;
3. Initiate fact-gathering concerning circumstances which appear to the Commission to unlawfully discriminate against any of the people of the city.
4. Provide mediation services in appropriate circumstances and when agreed upon by all parties involved.
5. Compile and keep current such statistics as are useful regarding the nature of inquiries, incidents and complaints, and make annual reports to the Mayor, City Council and the public.

c. The Commission shall work with municipal departments, the school department, commissions and boards, and city businesses, agencies and organizations to increase compliance with applicable local, state and federal laws and to raise the level of awareness and sensitivity to human and civil rights issues.

## **Section 2-604. Powers and Duties**

The Commission shall have the following powers and duties:

- a. To enlist the participation of racial, religious, ethnic, civic, fraternal, benevolent, private and public individuals, organizations, and agencies in its efforts to eliminate unlawful discrimination and to cultivate an atmosphere of mutual understanding and harmonious intergroup relationships;
- b. To receive complaints of discrimination in the city in which the complained of actions may deny or tend to deny equal access or opportunity in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of: race, color, religious creed, national origin, sex, gender identity or expression, sexual orientation, age, ancestry, or disability, marital status, veteran status, receipt of public or housing assistance, or because they have children;
- c. In response to complaints, the Commission may conduct inquiries, engage in fact-gathering, provide appropriate advice and referral, and, where appropriate, refer complaints to the Massachusetts Commission Against Discrimination, or other agency, for resolution.
- d. To resolve complaints between parties whenever possible through mediation;
- e. If mediation is unsuccessful, and if all parties involved agree, to forward a written report of its findings and recommendations to the appropriate authorities including, but not limited to, the Mayor, the School Committee, the Massachusetts Commission Against Discrimination, the district Attorney's Office, Police Department or to any court or governmental agency having remedial jurisdiction.
- f. Except as required by state law, to maintain confidential records regarding all complaints filed with the Commission, which include reference to the nature of the complaint, which shall include the names of the parties and a detailed description of the incident(s) giving rise to the complaint, the Commission's course of action, and the disposition of the complaint.
- g. To create ad hoc committees and task forces for the carrying out of the purposes of the Commission. Such ad hoc committees and task forces may be comprised of Commission or non-Commission individuals.
- h. To raise funds for the use of the Commission and to accept money, gifts and services for its exclusive use and expend or use the same.

I. To develop and publish its rules of procedure for the operation of the Commission. Said rules shall ensure the due process rights of all persons and/or entities involved in an investigation.

j. To publish an annual report of the state of human rights in the City. Such report shall include a include a report on the statistics compiled pursuant to Section 2-603 paragraph b-5 of this Ordinance.

k. Except as required by state law, the Commission shall at all times maintain the confidentiality of the parties and all matters that come before it.

**Section 2-605. By-Laws/Rules of Procedure**

The Commission shall adopt a set of rules for its administration which are consistent with the laws of the Commonwealth and ordinances of the City.

**Section 2-606. Staffing**

Subject to appropriation, there will be a staff person who will be appointed by the Mayor and approved by the City Council based upon the advice and recommendation of the Commission. The funding for the Commission shall be by appropriation of the City Council upon recommendation of the Mayor.

**Section 2-607. Advisory Board**

The Commission may establish an Advisory Board under such terms and conditions as it deems appropriate. Appointments to the Advisory Board shall be subject to the approval of the Mayor.